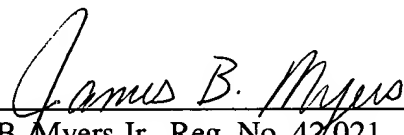


REMARKS

This application contains claims 1-25 pending and under consideration. In the Office Action dated June 16, 2004, claims 1-25 were rejected under the judicially-created doctrine of double patenting over claims 1-24 of co-pending US Patent Application 09/611,332, now US 6,733,687. Applicants submit concurrent with this response a Terminal Disclaimer to disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of US Patent Application 09/611,332 and the required statutory fee for the Terminal Disclaimer. Accordingly, the Applicants believe that this rejection is overcome and request withdrawal of these rejections.

In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Accordingly, withdrawal of all outstanding rejections and passage of this application containing claims 1-25 are respectfully requested. In addition, the Examiner is invited to telephone the undersigned attorney if there are any questions about this submission or other formal matters, which may be addressed in that fashion to facilitate allowance of this application.

Respectfully submitted,

  
James B. Myers Jr., Reg. No. 42,021  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
3700 Bank One Center Tower  
111 Monument Circle  
Indianapolis, IN 46204-5137  
(317) 634-3456



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

8017-244  
SEPTEMBER 05, 2000

PTAS

WOODARD, EMHARDT, NAUGHTON ET AL.  
JAMES B. MYERS JR.  
111 MONUMENT CIRCLE, SUITE 3700  
BANK ONE CENTER/TOWER  
INDIANAPOLIS, INDIANA 46204-5137



\*101407640A\*

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Woodard, Emhardt, Naughton,  
James B. Myers Jr.

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RECORDATION DATE: 07/06/2000

REEL/FRAME: 010914/0804  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HUDGENS, R. DOUGLAS

DOC DATE: 07/06/2000

ASSIGNEE:

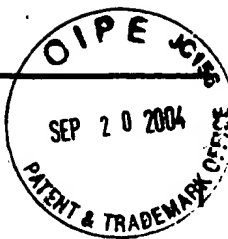
FLEETGUARD, INC., A TENNESSEE  
CORPORATION  
100 BNA CORPORATE CENTER, SUITE  
500  
NASHVILLE, TENNESSEE 32717

SERIAL NUMBER: 09611413  
PATENT NUMBER:

FILING DATE: 07/06/2000  
ISSUE DATE:

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
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07-19-2000

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<input type="checkbox"/> Mark if additional names of conveying parties attached		07062000
First Party Name (line 1)	HUDGENS, R. DOUGLAS	
Name (line 2)		
Second Party Name (line 1)		
Name (line 2)		

Receiving Party				<input type="checkbox"/> Mark if additional names of receiving party attached
Name (line 1)	FLEETGUARD, INC.			<input type="checkbox"/> If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)
Name (line 2)	a Tennessee corporation			
Address (line 1)	100 BNA Corporate Center, Suite 500			
Address (line 2)				
Address (line 3)	Nashville	Tennessee	32717	
	City	State/Country	Zip Code	

Domestic Representative Name and Address		Enter for the first Receiving Party only.
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07/17/2000 MWILLARI 00000027 09611413

04 FC:581

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Page 2

**Correspondent Name and Address**

<b>Area Code and Telephone Number</b>		(317) 634-3456
<b>Name</b>	James B. Myers Jr.	
<b>Address (line 1)</b>	Woodard, Emhardt, Naughton, Moriarty & McNett	
<b>Address (line 2)</b>	111 Monument Circle, Suite 3700	
<b>Address (line 3)</b>	Bank One Center/Tower	
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07062000

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	PCT	PCT	PCT

**Number of properties**

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**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):	\$ 40.00
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**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

James B. Myers Jr.		July 6, 2000
<b>Name of Person Signing</b>	<b>Signature</b>	<b>Date</b>

8017-244/PG-4255/#87427

**ASSIGNMENT**

WHEREAS, R. Douglas Hudgens, hereinafter referred to as Assignor, has made a new and useful invention in **ENGINE ANTIFREEZE COMPOSITION** for which Assignor has made or will make application for Letters Patent of the United States; and

WHEREAS, Fleetguard, Inc., hereinafter referred to as Assignee, a corporation of the State of Indiana, having a principal place of business at 100 BNA Corporate Center, Suite 500, Nashville, Tennessee 32717, desires to acquire all of the entire right, title, and interest in, to and under said Invention disclosed, described and/or claimed, or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignor in hand paid, the receipt of which is hereby acknowledged, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Assignee, all of the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignor this \_\_\_\_\_ day of \_\_\_\_\_, 2000, and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignor hereby authorizes and requests the firm of Woodard, Emhardt, Naughton, Moriarty & McNett of Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, IN 46204-5137 to insert here in parentheses (Serial No. \_\_\_\_\_, Filed \_\_\_\_\_) the date and serial number of said application when officially known, and Assignor hereby authorizes and requests the Honorable Commissioner of Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignor agrees to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said Inventions in this and all foreign countries for the use of Assignee.

WITNESS Assignor's hand this 6th day of July, 2000.

R. Douglas Hudgens  
R. Douglas Hudgens

STATE OF TENNESSEE       )  
                                      ): SS  
COUNTY OF PUTNAM       )

Before me, a Notary Public, in and for said County and State, personally appeared R. Douglas Hudgens, who, being first duly sworn upon his oath, acknowledged the execution of the foregoing "Assignment" as his voluntary act and deed.

WITNESS my hand and Notarial Seal this 6th day of July, 2000.

Deborah Ann Stephens  
Notary Public

Printed: Deborah Ann Stephens

Resident of Putnam County

My Commission Expires:

4/24/02

8017-238

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 08, 2000

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WOODARD, EMHARDT, NAUGHTON ET AL.  
JAMES B. MYERS, JR.  
111 MONUMENT CIRCLE, SUITE 3700  
BANK ONE CENTER/TOWER  
INDIANAPOLIS, IN 46204-5137

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SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/06/2000

REEL/FRAME: 010925/0102  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

HUDGENS, R. DOUGLAS

DOC DATE: 07/06/2000

## ASSIGNEE:

FLEETGUARD, INC.  
100 BNA CORPORATE CENTER  
SUITE 500  
NASHVILLE, TENNESSEE 32717

SERIAL NUMBER: 09611332

FILING DATE: 07/06/2000

PATENT NUMBER:

ISSUE DATE:

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

07-21-2000

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Docket No.

8017-238

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Name (line 2)

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Name (line 1)

Name (line 2)

## Receiving Party

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Name (line 1)

FLEETGUARD, INC.

Name (line 2)

a Tennessee corporation

Address (line 1)

100 BNA Corporate Center, Suite 500

Address (line 2)

Address (line 3)

Nashville

Tennessee

32717

City

State/Country

Zip Code

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**Correspondent Name and Address**

<b>Area Code and Telephone Number</b>		(317) 634-3456
<b>Name</b>	James B. Myers Jr.	
<b>Address (line 1)</b>	Woodard, Emhardt, Naughton, Moriarty & McNett	
<b>Address (line 2)</b>	111 Monument Circle, Suite 3700	
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**Number of properties**

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<b>Fee Amount</b>	Fee Amount for Properties Listed (37 CFR 3.41):	\$ 40.00
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Method of Payment:  
Deposit Account

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Deposit Account

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Deposit Account Number	#23-3030
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Authorization to charge additional fees:

Yes

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No

☐**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

James B. Myers Jr.

July 6, 2000

Name of Person Signing

Signature

Date

8017-238/FG-4262/#87430

**ASSIGNMENT**

WHEREAS, R. Douglas Hudgens, hereinafter referred to as Assignor, has made a new and useful invention in **HYBRID SUPPLEMENTAL COOLANT ADDITIVE** for which Assignor has made or will make application for Letters Patent of the United States; and

WHEREAS, Fleetguard, Inc., hereinafter referred to as Assignee, a corporation of the State of Indiana, having a principal place of business at 100 BNA Corporate Center, Suite 500, Nashville, Tennessee 32717, desires to acquire all of the entire right, title, and interest in, to and under said Invention disclosed, described and/or claimed, or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignor in hand paid, the receipt of which is hereby acknowledged, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Assignee, all of the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignor this \_\_\_\_\_ day of \_\_\_\_\_, 2000, and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof..

Assignor hereby authorizes and requests the firm of Woodard, Emhardt, Naughton, Moriarty & McNett of Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, IN 46204-5137 to insert here in parentheses (Serial No. \_\_\_\_\_, Filed \_\_\_\_\_) the date and serial number of said application when officially known, and Assignor hereby authorizes and requests the Honorable Commissioner of Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignor agrees to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said Inventions in this and all foreign countries for the use of Assignee.

WITNESS Assignor's hand this 6th day of July, 2000.

R. Douglas Hudgens  
R. Douglas Hudgens

STATE OF TENNESSEE      )  
                                      ): SS  
COUNTY OF PUTNAM      )

Before me, a Notary Public, in and for said County and State, personally appeared R. Douglas Hudgens, who, being first duly sworn upon his oath, acknowledged the execution of the foregoing "Assignment" as his voluntary act and deed.

WITNESS my hand and Notarial Seal this 6th day of July, 2000.

Deborah Ann Stephens  
Notary Public

Printed: Deborah Ann Stephens

Resident of Putnam County

My Commission Expires:

4/24/02

Page 2

**Correspondent Name and Address**

<b>Area Code and Telephone Number</b>		(317) 634-3456
<b>Name</b>	James B. Myers Jr.	
<b>Address (line 1)</b>	Woodard, Emhardt, Naughton, Moriarty & McNett	
<b>Address (line 2)</b>	111 Monument Circle, Suite 3700	
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**Number of properties**

Enter the total number of properties involved		# 1
<b>Fee Amount</b>	Fee Amount for Properties Listed (37 CFR 3.41):	\$ 40.00
Method of Payment:	Enclosed <input checked="" type="checkbox"/>	Deposit Account <input type="checkbox"/>
Deposit Account		
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Deposit Account Number		#23-3030
Authorization to charge additional fees:		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

James B. Myers Jr.

July 6, 2000

**Name of Person Signing****Signature****Date**